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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 U.S. SECURITIES & EXCHANGE)
12 COMMISSION,)

13 Plaintiff,)

14 v.)

15 MARK LESLIE, ET AL.,)

16 Defendants.)
_____)

Case No.: C 07-03444 JF (PVT)

**ORDER REGARDING MID-
DEPOSITION DISPUTE**

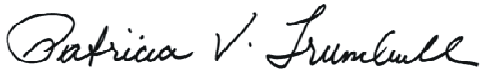
17 On October 2, 2009, the court conducted a telephonic hearing regarding a dispute that
18 had arisen during the deposition of the expert witness, Jay Howell.¹ A. David Williams appeared
19 on behalf of the U.S. Securities & Exchange Commission. Robert Schaffer appeared on behalf
20 of defendant Paul A. Sallaberry. Danielle P. Van Wert appeared on behalf of defendant Kenneth
21 E. Lonchar. William Keane appeared on behalf of defendant Mark Leslie. Based on the
22 arguments presented,

23 IT IS HEREBY ORDERED that defendant Sallaberry's objections regarding arguably
24 broadly- phrased questions, such as "Do you agree or disagree with [specific sections of] the
25 report of the rebuttal witness?" and "Do you agree or disagree with [certain allegations alleged
26 in] the complaint?" are overruled.

27 _____
28 ¹ The holding of this court is limited to the facts and the particular circumstances
underlying the present motion.

1 IT IS FURTHER ORDERED that defendant Sallaberry's objections to questions relating
2 to the application of accounting principles to the particular transaction at issue are sustained.
3 Defendant Sallaberry represents that other expert witnesses will later testify regarding these
4 questions.

5 Dated: October 2, 2009

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7 PATRICIA V. TRUMBULL
8 United States Magistrate Judge
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